

MORRIS ROBERSON #C-83614/CT-125  
Name and Prisoner Booking Number

KERN VALLEY STATE PRISON  
Place of Confinement

P.O. BOX 5103  
Mailing Address

DELANO, CALIFORNIA 93216  
City, State, Zip Code

**FILED**

Jul 07, 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MORRIS ROBERSON  
(Full Name of Plaintiff)

Plaintiff.

v.

CASE NO. 1:22-cv-00833-SAB (PC)

(To be supplied by the Clerk)

(1) CDCR  
(Full Name of Defendant)

(2) D. CHAVEZ

(3) C. SALAZAR

(4) E. VALERO

Defendant(s).

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☒ Check if there are additional Defendants and attach page 1-A listing them.

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331: Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: KERN VALLEY STATE PRISON, DELANO, CA 93216

DEFENDANTS CONTINUED:

1 5. C. KYT

2 6. C. LIRIO

3 7. R. LOZA

4 8. R. CHARLES

5 9. R. RODRIGUEZ

6 10. S. FURLONG

7 11. J. HUNTER

8 12. R. GONZALEZ

9 13. R. CRUZ

10 14. J. ACEBEDO

11 15. C. PIETTER

12  
13  
14  
15 THE ABOVE NAME DEFENDANTS ARE BEING SUED IN  
16 BOTH THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.  
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**B. DEFENDANTS**

1. Name of first Defendant: CDCR. The first Defendant is employed as:  
 \_\_\_\_\_ at KERN VALLEY STATE PRISON  
 (Position and Title) (Institution)
2. Name of second Defendant: D. CHAVEZ. The second Defendant is employed as:  
A CORRECTIONAL OFFICER - FCB5 at KERN VALLEY STATE PRISON  
 (Position and Title) (Institution)
3. Name of third Defendant: C. SALAZAR. The third Defendant is employed as:  
A CORRECTIONAL OFFICER - FCB5 at KERN VALLEY STATE PRISON  
 (Position and Title) (Institution)
4. Name of fourth Defendant: E. VALERO. The fourth Defendant is employed as:  
A CORRECTIONAL OFFICER - FCB5 at KERN VALLEY STATE PRISON  
 (Position and Title) (Institution)

(CONTINUED ON PAGE #82)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 3. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: MORRIS ROBERSON v. A. GARCIA, et. al.
    2. Court and case number: NORTHERN DISTRICT; CASE NO. 3:16-cv-01087-EMC
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) DISMISSED;  
AND DID NOT APPEAL.
  - b. Second prior lawsuit:
    1. Parties: MORRIS ROBERSON v. C. PFELEFFER
    2. Court and case number: EASTERN DISTRICT; CASE NO. 1:17-cv-01062-DAD
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) DISMISSED;  
AND DID NOT APPEAL.
  - c. Third prior lawsuit:
    1. Parties: MORRIS ROBERSON v. J. FAMBROUGHT, et. al.
    2. Court and case number: EASTERN DISTRICT; CASE NO. 1:21-cv-00990-SAB
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) "PENDING"

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

8.  
DEFENDANTS CONTINUED:

5. NAME OF FIFTH DEFENDANT: C. KYT. THE FIFTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL OFFICER - FCSB2. AT KVSB.

6. NAME OF SIXTH DEFENDANT: C. LIRIO. THE SIXTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL OFFICER - FCSB2. AT KVSB.

7. NAME OF SEVENTH DEFENDANT: R. LOZA. THE SEVENTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL INVESTIGATIVE SERVICE UNIT OFFICER. AT KVSB.

8. NAME OF EIGHTH DEFENDANT: R. CHARLES. THE EIGHTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL SERGEANT - FCB1. AT KVSB.

9. NAME OF NINTH DEFENDANT: R. RODRIGUEZ. THE NINTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL LIEUTENANT - FCB. AT KVSB.

10. NAME OF TENTH DEFENDANT: S. FURLONG. THE TENTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL OFFICER - FCSB2. AT KVSB.

11. NAME OF ELEVENTH DEFENDANT: J. HUNTER. THE ELEVENTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL ASSISTANT INVESTIGATOR GANG OFFICER. AT KVSB.

12. NAME OF TWELFTH DEFENDANT: R. GONZALEZ. THE TWELFTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL ASSISTANT INVESTIGATOR GANG OFFICER. AT KVSB.

13. NAME OF THIRTEENTH DEFENDANT: P. CRUZ. THE THIRTEENTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL LIEUTENANT INVESTIGATOR GANG SUPERVISOR. AT KVSB.

14. NAME OF FOURTEENTH DEFENDANT: J. ACEBEDO. THE FOURTEENTH DEFENDANT IS EMPLOYED AS A CORRECTIONAL ASSOCIATE WARDEN. AT KVSB.

15. NAME OF FIFTEENTH DEFENDANT: C. PFIEFFER. THE FIFTEENTH DEFENDANT IS EMPLOYED AS THE WARDEN. AT KVSB.

THE ABOVE LISTED DEFENDANT ARE BEING SUED IN BOTH THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

## D. CAUSE OF ACTION

## CLAIM I

1. State the constitutional or other federal civil right that was violated: EIGHT AND FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION; 42 U.S.C. SECTION 1983.

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |   |   |   |                                       |
|---|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities                        | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings                 | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

~~CLAIM I~~ THE FIRST CLAIM IS ASSERTED BY THE PLAINTIFF AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO. PLAINTIFF REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PROCEEDING PARAGRAPHS 1 TO 88, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, PERSONALLY UTILIZED, FAILED TO INTERCEDE AND PREVENT, AND/OR WERE INTEGRAL PARTICIPANTS TO EXCESSIVE AND UNREASONABLE FORCE AGAINST THE PLAINTIFF ROBERSON, IN VIOLATION OF HIS RIGHTS SECURED BY THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION, AS INCORPORATED THROUGH THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO ACTIONS AND INACTIONS WERE MOTIVATED BY EVIL MOTIVE OR INTENT, INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO PLAINTIFF CONSTITUTIONAL RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE. AS A DIRECT AND PROXIMATE. (CLAIM 1 CONTINUE ON 3A)

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK, AND HEADACHES AND BACK SORENESS, CONCUSSION. (CONTINUED ON THE NEXT PAGE AS 3A)

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISMISSED.  
GRIEVANCE PROCEDURE IS ILLUSORY AND KAFFKAESQUE.

CLAIM 1 CONTINUED:

RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO AND DECLARATORY AND INJUNCTIVE RELIEF AGAINST DEFENDANT PFIEFFER. WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS HEREUNDER APPEARS.

PLAINTIFF REQUEST TO INCORPORATE CORRECTIONAL P. CRUZ INTO THIS CLAIM.



**CLAIM II**

1. State the constitutional or other federal civil right that was violated: FIRST, EIGHTH, FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION; 42 U.S.C. SECTIONS 1983 AND 1985

2. **Claim II.** Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                 | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>CONSPIRACY</u> |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE SECOND CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 88, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. ON INFORMATION AND BELIEF, EACH OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO CONSPIRED WITH EACH OTHER TO COMMIT EACH OF THE ACTS ALLEGED HEREIN IN VIOLATION OF THE PLAINTIFFS RIGHTS SECURED BY THE FIRST AND EIGHTH AMENDMENTS TO THE U.S. CONSTITUTION, AS INCORPORATED THROUGH THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND INACTIONS WERE MOTIVATED BY EVIL MOTIVE OR INTENT, INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO PLAINTIFF ROBERSON CONSTITUTIONAL RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRIST, KNOCKED UNCONCIOUS, BACK AND NECK PAIN, HEADACHES, BACK SORENESS, AND SHOULDER AND BODY PAIN.  
(CONTINUATION ON NEXT PAGE) CORRECTION

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☒ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.

CLAIM 2 CONTINUED:

DAMAGES AGAINST DEFENDANTS CHAVEZ, SALAZER, VELERO,  
KYTS, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER,  
GONZALES, AND ACEBEDO AND DECLARATORY AND INJUNCTIVE  
RELIEF AGAINST DEFENDANT PFEIFFER.

WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS  
HEREUNDER APPEARS.

PLAINTIFF REQUEST TO INCORPORATE CORRECTIONAL  
SUPERVISOR P. CRUZ INTO THIS CLAIM.



**CLAIM III**

1. State the constitutional or other federal civil right that was violated: 42 U.S.C. SECTION 12101, et seq.

2. **Claim III.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                                     | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                                    | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>AMERICAN WITH DISABILITIES ACT</u> |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE THIRD CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANT CDCR. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 88, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANT CDCR IS A "PUBLIC ENTITY" WITHIN THE MEANING OF 42 U.S.C. SECTION 12131(1)(A) AND 28 C.F.R. SECTION 35.104. PLAINTIFF ROBERSON, AT ALL TIMES MATERIAL HEREIN, HAD A DISABILITY WITHIN THE MEANING OF 42 U.S.C. SECTION 12102(1) AND C.F.R. SECTION 35.104, AND WERE "QUALIFIED INMATE WITH A DISABILITY" WITHIN THE MEANING OF 42 U.S.C. SECTION 12131(2) AND 28 C.F.R. SECTION 35.104, BECAUSE THE PLAINTIFF MET THE ESSENTIAL ELIGIBILITY REQUIREMENTS FOR THE RECEIPT OF SERVICES. AT THE TIME, PLAINTIFF ROBERSON, A 57 YEAR OLD INMATE, "HAD A DRP- 'DISABILITY/ ACCOMMODATIONS MEDICAL ORDER' WHICH REQUIRED: A 'LOWER/BOTTOM BUNK ONLY CROND.' THAT DISABILITY REQUIREMENT HAD BEEN IN PLAINTIFF ROBERSON'S FILE SINCE IT WAS ADDED ON AUGUST 11, 2016. DEFENDANT CHAVEZ AND SALAZER WERE AWARE OF THE PLAINTIFF ROBERSON DRP- MEDICAL ORDER. (CLAIM 3 CONTINUED ON 5A)

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, BACK SORENESS, AND SHOULDER AND BODY PAINS  
(CONTINUED ON NEXT PAGE) CORRECTION

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

CLAIM 3 CONTINUED:

AND EXPRESSED CONTEMPTUOUS DISREGARD FOR IT WHEN THE PLAINTIFF INFORMED DEFENDANTS CHAVEZ AND SALAZER THAT HE HAD A DPR - DISABILITY/ACCOMMODATION MEDICAL - CRONO) AND DEFENDANTS CHAVEZ AND SALAZER INSISTED THAT THE PLAINTIFF ACCEPT HIS ASSIGNMENT WITHOUT ANY EFFORT OF ACCOMMODATION. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, FAILED TO REASONABLY ACCOMMODATE PLAINTIFF ROBERSON'S DISABILITIES AND PERSONALLY UTILIZED, FAILED TO INTERCEDE AND PREVENT, AND/OR WERE INTEGRAL PARTICIPANTS TO EXCESSIVE AND UNREASONABLE FORCE AGAINST THE PLAINTIFF, IN VIOLATION OF HIS RIGHTS SECURED BY THE AMERICAN WITH DISABILITIES ACT ("ADA"), 42 U.S.C. SECTION 12101, ET SEQ. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO'S ACTIONS AND INACTIONS WERE MOTIVATED BY EVIL MOTIVE OR INTENT, INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO THE PLAINTIFF ROBERSON'S CONSTITUTIONAL AND STATUTORY RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES AGAINST DEFENDANT CDOR. WHEREFORE, PLAINTIFF ROBERSON PRAYS FOR RELIEF AS HEREUNDER APPEAR.

4  
**CLAIM III**

1. State the constitutional or other federal civil right that was violated: CAL. GOV. CODE SECTION 820(a)

2. Claim ~~III~~ <sup>4</sup> Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>ASSAULT/BATTERY</u>	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE FOURTH CLAIM IS ASSERTED BY THE PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 80, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, INTENTIONALLY AND PERSONALLY TOUCHED OR GAVE SUBSTANTIAL ASSISTANCE OR ENCOURAGEMENT IN TOUCHING OR THREATENED TO TOUCH PLAINTIFF ROBERSON, WITHOUT CONSENT, AND THAT TOUCHING OR THREAT OF TOUCHING CONSTITUTED UNREASONABLE AND EXCESSIVE FORCE. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO ACTIONS AND INACTIONS CONSTITUTED OPPRESSION, FRAUD, OR MALICE RESULTING IN GREAT HARM TO PLAINTIFF ROBERSON. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT,

(CLAIM 4 CONTINUED ON 6A)

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).  
PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, BACK SORENESS, SHOULDER AND BODY PAIN, CONCUSSION

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim ~~III~~ <sup>4</sup>? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim ~~III~~ <sup>4</sup> to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

CLAIM 4 CONTINUED:

LIRIO, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND  
ACEBEDO'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON  
SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY  
AND PUNITIVE DAMAGES. WHEREFORE, PLAINTIFF ROBERSON  
PRAY FOR RELIEF AS HEREUNDER APPEARS.



<sup>5</sup>  
CLAIM ~~III~~

1. State the constitutional or other federal civil right that was violated: CAL. GOV. CODE SECTION 820(a).

2. Claim <sup>5</sup> ~~III~~. Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.</u>	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE FIFTH CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 88, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, ENGAGED IN OUTRAGEOUS CONDUCT, PLAINTIFF ROBERSON DID SUFFER SEVERE EMOTIONAL DISTRESS. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO'S ACTIONS AND INACTIONS CONSTITUTED OPPRESSION, FRAUD, OR MALICE RESULTING IN GREAT HARM TO PLAINTIFF ROBERSON. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALES, AND ACEBEDO'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES. WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS HEREUNDER APPEARS.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).  
PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FIVE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, POSSIBLE CONCUSSION.

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim ~~III~~ <sup>5</sup>? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim ~~III~~ <sup>5</sup> to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

<sup>6</sup>  
CLAIM ~~II~~

1. State the constitutional or other federal civil right that was violated: FIRST AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION; 42 U.S.C. SECTION 1983.

2. Claim <sup>6</sup> ~~I~~ Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input checked="" type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE SIXTH CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPH 1 TO 88, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, PERSONALLY UTILIZED, FAILED TO INTERCEDE AND PREVENT, WERE INTEGRAL PARTICIPANTS TO, AND/OR ATTEMPTED TO SUPPRESS COMPLAINTS OF EXCESSIVE AND UNREASONABLE FORCE AGAINST PLAINTIFF ROBERSON DUE TO PRIOR EXCESSIVE FORCE BY MOST ~~IF NOT~~ ALL OF THE SAME CURRUPTED OFFICERS ON MARCH 5, 2019, 5 MONTHS EARLIER, AND FAILED TO ACCOMMODATE THE PLAINTIFF DPP - CRONO - DISABILITIES/ACCOMMODATION MEDICAL ORDER WHICH REQUIRED: "LOWER/BOTTOM BUNK ONLY". DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO ACTIONS AND INACTIONS WERE MOTIVATED BY EVIL MOTIVE OR INTENT.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).  
PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, AND POSSIBLE CONCUSSION

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim ~~II~~? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim ~~II~~ to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.



CLAIM 6 CONTINUED:

INVOLVED RECKLESS OR CALLOUS INDIFFERENCE TO PLAINTIFF ROBERSON  
CONSTITUTIONAL RIGHTS, OR WERE WANTONLY OR OPPRESSIVELY DONE.  
AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ,  
SALAZER, VALEDO, KYT, LIRIO, LOSA, CHARLES, RODRIGUEZ,  
FURLONG, HUNTER, GONZALEZ, AND ACEBEDO ACTIONS AND  
IN ACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING  
HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES.  
WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS  
HEREUNDER APPEARS.

PLAINTIFF REQUEST TO INCORPORATE CORRECTIONAL  
SUPERVISOR B. CRUZ INTO THIS CLAIM.

## D. CAUSE OF ACTION

## CLAIM # 7

1. State the constitutional or other federal civil right that was violated: 28 U.S.C. SECTION 2201(a) DECLARATORY JUDGMENT ACT.

2. Claim # Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                               | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                              | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>DECLARATORY JUDGMENT ACT</u> |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim 1. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE SEVENTH CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANT PFEIFFER. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS 1 TO 22, TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. THERE PRESENTLY EXISTS AN ACTUAL CONTROVERSY BETWEEN THE PARTIES REGARDING THE EXISTENCE AND PERMITTED OPERATION OF THE CURRUPTED OFFICERS (GREEN WALL) AT THE KYSP. PLAINTIFF ROBERSON ARE INFORMED AND BELIEVE, AND THEREUPON ALLEGE, THAT THE CURRUPTED OFFICERS (GREEN WALL'S) ILLEGAL CRIMINAL ORGANIZATION WILL CONTINUE TO TERRORIZE THE PRISONERS AT THE KYSP AND CAUSE FURTHER DAMAGE AND POSSIBLE DEATH TO INMATES AT THE PRISON, UNLESS DEFENDANT PFEIFFER IS DIRECTED AND MANDATED TO TAKE ACTION AGAINST THE CURRUPTED OFFICERS (GREEN WALL) AND MEMBERS THEREOF. THIS CONTROVERSY REQUIRES A DECLARATION FROM THIS COURT AS TO THE RIGHTS OF THE RESPECTIVE PARTIES, AND THE LAWFULNESS OF DEFENDANT PFEIFFER'S ACTIONS AND INACTIONS. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANT PFEIFFER'S ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED AND LIKELY WILL CONTINUE TO SUFFER

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, AND POSSIBLE CONCUSSION.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim 7? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim 7 to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED

CLAIM 7 CONTINUED:

INJURIES ENTITLING HIM TO RECEIVE DECLARATORY AND INJUNCTIVE  
RELIEF AGAINST DEFENDANT BELEFFER.

WHEREFORE, PLAINTIFF ROBERSON PRAY FOR RELIEF AS  
HEREUNDER APPEARS.

**CLAIM II**

1. State the constitutional or other federal civil right that was violated: CAL. GOV. CODE SECTION 820(a).

2. **Claim II** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                 | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>NEGLIGENCE</u> |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE EIGHT CLAIM IS ASSERTED BY PLAINTIFF ROBERSON AGAINST DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ. PLAINTIFF ROBERSON REALLEGE AND INCORPORATE THE ALLEGATIONS OF THE PRECEDING PARAGRAPHS TO THE EXTENT RELEVANT, AS IF FULLY SET FORTH IN THIS CLAIM. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ, ACTING OR PURPORTING TO ACT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS LAW ENFORCEMENT OFFICERS, OWED PLAINTIFF ROBERSON A DUTY OF CARE AND BREACHED THAT DUTY. DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ ACTIONS AND INACTIONS CONSTITUTED OPPRESSION, FRAUD, OR MALICE RESULTING IN GREAT HARM TO PLAINTIFF ROBERSON. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, ACEBEDO, AND CRUZ ACTIONS AND INACTIONS, PLAINTIFF ROBERSON SUFFERED INJURIES ENTITLING HIM TO RECEIVE COMPENSATORY AND PUNITIVE DAMAGES. WHEREFORE, PLAINTIFF

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

PEPPER SPRAYED, CUTS AND BRUISES ON KNEES AND FACE, FRACTURED RIBS, CUTS TO THE BACK AND WRISTS, KNOCKED UNCONSCIOUS, BACK AND NECK PAIN, HEADACHES, SHOULDER AND BODY PAIN, AND POSSIBLE CONCUSSION.

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. OTHERS WERE REJECTED, CANCELLED, OR DISAPPEARED.

CLAIM 8 CONTINUED:

ROBERSON PRAY FOR RELIEF AS HEREUNDER APPEARS.

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

PLAINTIFF SEEKS A JURY TRIAL.  
THAT THE COURT: (1) DECLARE THAT THE ACTS OR OMISSIONS DESCRIBED HEREIN  
VIOLATED PLAINTIFF'S CONSTITUTIONAL RIGHTS.  
(2) ENTER A JUDGEMENT IN FAVOR OF PLAINTIFF FOR COMPENSATORY AND  
PUNITIVE DAMAGES, JOINTLY AND SEVERALLY.  
COURT TO ORDER ANY ADDITIONAL RELIEF AS THIS COURT DEEMS  
NECESSARY

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/2/22  
DATE

MORRIS ROBERSON  
SIGNATURE OF PLAINTIFF

Ø  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

Ø  
(Signature of attorney, if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.



MORRIS ROBERSON #C83614  
KERN VALLEY STATE PRISON  
P. O. BOX 5103  
DELANO, CALIFORNIA 93216

IN PRO SE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MORRIS ROBERSON,  
PLAINTIFF,

V.

CALIFORNIA DEPARTMENT  
OF CORRECTION AND  
REHABILITATIONS, et al.,  
DEFENDANTS

CASE NO.: \_\_\_\_\_

CIVIL RIGHTS COMPLAINT

DEMAND FOR JURY TRIAL

42 U.S.C. § 1983

THE ABOVE LISTED  
DEFENDANTS ARE  
SUED IN THEIR  
INDIVIDUAL AND  
OFFICIAL CAPACITIES  
  
DEFENDANTS.

## I

### JURISDICTION

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. §1983. THIS COURT HAS JURISDICTION OVER PLAINTIFF'S FEDERAL CLAIM PURSUANT TO 28 U.S.C. §1331 AND §1343(a)(3), 42 U.S.C. §1985.

## II

### VENUE

2. THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA IS AN APPROPRIATE VENUE PURSUANT TO 28 U.S.C. §1391(b)(2) BECAUSE THE DEFENDANT ARE LOCATED IN THE EASTERN DISTRICT OF CALIFORNIA AND BECAUSE MANY OF THE ACTS AND/OR OMISSIONS DESCRIBED HEREIN OCCURRED IN THE EASTERN DISTRICT OF CALIFORNIA.

## III

## PARTIES

3. PLAINTIFF MORRIS ROBERSON ("ROBERSON"), CDCR NO. C83614, IS A PRISONER RESIDING AT THE CALIFORNIA STATE PRISON, KERN VALLEY STATE PRISON, LOCATED IN DELANO, CALIFORNIA. PLAINTIFF ROBERSON WAS, AT ALL MATERIAL TIMES HEREIN, A PRISONER RESIDING AT THE KERN VALLEY STATE PRISON, LOCATED IN DELANO, CALIFORNIA.

4. DEFENDANT CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATIONS ("CDCR") IS CHARGED WITH THE CARE AND CUSTODY OF THE PLAINTIFF PURSUANT TO PENAL CODES § 5054 AND § 5058. DEFENDANT CDCR MAINTAINS AND OPERATES THE KERN VALLEY STATE PRISON.

5. DEFENDANT C. PFEIFFER ("PFEIFFER") IS, AND AT ALL MATERIAL TIMES HEREIN WAS A LAW ENFORCEMENT OFFICER EMPLOYED BY CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION AND THE WARDEN OF THE KERN VALLEY STATE PRISON, ACTING WITHIN THE SCOPE OF THAT AGENCY OR EMPLOYMENT AND UNDER COLOR OF STATE LAW. DEFENDANT C. PFEIFFER IS NAMED IN HIS OFFICIAL CAPACITY.

6. DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, ACEBEDO, WERE AT ALL MATERIAL TIMES HEREIN, LAW ENFORCEMENT OFFICERS EMPLOYED BY CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ACTING WITHIN THE SCOPE OF THAT AGENCY OR EMPLOYMENT AND UNDER COLOR OF STATE LAW. DEFENDANTS CHAVEZ, SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, AND ACEBEDO ARE NAMED

IN THEIR INDIVIDUAL CAPACITY.

### GENERAL ALLEGATIONS

7. AT ALL TIMES RELEVANT HEREIN, ALL WRONGFUL ACTS DESCRIBED WERE PERFORMED UNDER COLOR OF STATE LAW AND/OR IN CONCERT WITH OR ON BEHALF OF THOSE ACTING UNDER THE COLOR OF STATE LAW.

### THE KERN VALLEY STATE PRISON AND THE GREEN WALL CULTURE

8. THE KERN VALLEY STATE PRISON ("KVSP") IS A CORRECTIONAL INSTITUTION DESIGNATED BY DEFENDANT CDCR FOR HOUSING PURSUANT TO PENAL CODES § 5054 AND § 5058.

9. THE KVSP IS, AND AT ALL MATERIAL TIMES HEREIN WAS, OPERATED UNDER THE SUPERVISION OF ITS WARDEN, DEFENDANT PFEIFFER.

10. ON INFORMATION AND BELIEF, DEFENDANT PFEIFFER ACCEPTS OR ACQUIESCES IN PERVASIVE CULTURE OF VIOLENCE AGAINST PRISONERS AT KVSP. PARTICULARLY, THERE EXISTS A FACTION OF CDCR "CORRUPTED OFFICERS". ON INFORMATION AND BELIEF, THE CORRUPTED OFFICERS IS ESSENTIALLY A MAFIA-LIKE PRISON GANG OF CORRECTIONAL OFFICERS THAT ENGAGES IN UNLAWFUL ACTIVITIES, INCLUDING STAFF-ON-PRISONER VIOLENCE, COORDINATION OF PRISONER-ON-PRISONER VIOLENCE, SMOUGLING ILLEGAL CONTRABAND/ITEMS INTO CDCR

FACILITIES SUCH AS ILLEGAL DRUGS AND CELL PHONES WHICH ARE SOLD TO PRISONERS FOR CASH OR TRADED FOR FAVORS, AND THE PLANTING OF ILLEGAL CONTRABAND/ITEMS ON PRISONERS (AND FALSE REPORTING THEREOF.).

11. ON INFORMATION AND BELIEF, SEVERAL OF CORRUPT OFFICERS ARE PRESENTLY EMPLOYED WITHIN THE KVSB. ON INFORMATION AND BELIEF, DEFENDANT PFEIFFER IS AND HAS BEEN AWARE OF THE ILLEGAL ACTIVITIES OF THE CORRUPT OFFICERS AT KVSB BUT FAILED AND REFUSED TO TAKE ACTION AGAINST THEM BY DISCIPLINING AND/OR TERMINATING THEM AND/OR SEEKING PROSECUTION OF THEM FOR CRIMINAL ACTS, "INCLUDING THE ACTS ALLEGED TO HAVE BEEN COMMITTED AGAINST PLAINTIFF ROBERSON HEREIN." ON INFORMATION AND BELIEF, PRIOR TO THE INCIDENTS DESCRIBED HEREIN, DEFENDANT PFEIFFER REVIEWED OR WAS AWARE OF NUMEROUS INMATE GRIEVANCES, LEARNED OF ONGOING VIOLATIONS OF INMATES RIGHTS BY HIS SUBORDINATES, AND FAILED TO TAKE CORRECTIVE ACTION, THEREBY ALLOWING THOSE VIOLATIONS TO CONTINUE.

12. ON INFORMATION AND BELIEF, EACH OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, ACEBEDO, IS OR AT ALL MATERIAL TIMES HEREIN WAS, CORRUPTED OFFICERS.

13. ON INFORMATION AND BELIEF, THE CORRUPTED OFFICERS SOMETIME ACT WITH RACIAL ANIMUS,



PARTICULARLY TOWARDS BLACKS AND AFRICAN-AMERICAN INMATES. PLAINTIFF ROBERSON IS A BLACK MAN. ON INFORMATION AND BELIEF, OF DEFENDANTS CHAVEZ, SALAZER, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ, ACEBEDO ACTIONS AND INACTIONS DESCRIBED HEREIN AGAINST PLAINTIFF ROBERSON WERE MOTIVATED, AT LEAST IN PART, BY RACIAL ANIMUS.

THE AUGUST 16, 2019,  
INCIDENT

14. ON AUGUST 16, 2019, PLAINTIFF ROBERSON WERE A PRISONER AT THE KVSR.

15. AROUND 8:00AM, THE PLAINTIFF WERE BEING MOVED FROM ADMINISTRATIVE SEGREGATION UNIT (ASU) TO FACILITY C-BUILDING-FIVE (FCB5).

16. WHEN THE PLAINTIFF ARRIVED AND ENTERED THE BUILDING, PLAINTIFF WAS APPROACHED BY THE FLOOR OFFICERS DEFENDANTS CHAVEZ AND SALAZER.

17. DEFENDANT CHAVEZ INFORMED PLAINTIFF THAT HE WOULD BE ASSIGNED TO SECTION C-CELL 229 LOWER BUNK.

18. WHEN PLAINTIFF ARRIVED TO C-SECTION CELL 229, THE "LOWER-BUNK" WAS BEING OCCUPIED BY ANOTHER INMATE.

19. PLAINTIFF INFORMED THE INMATE THAT "HE HAD A LOWER-BUNK-CROWD."



20. THE INMATE REPLIED, "I DON'T CARE, I WAS IN THE CELL FIRST."

21. PLAINTIFF THEN CAME DOWN THE STAIRS TO INFORM DEFENDANTS CHAVEZ AND SALAZER THAT THE PLAINTIFF HAS "A MEDICALLY ASSIGNED LOWER BUNK CROUND."

22. IN RESPONSE, DEFENDANT CHAVEZ STATED, "I DON'T CARE WHAT YOU HAVE, YOU'RE GOING INTO THAT CELL, AND I DON'T CARE IF YOU GOT TO SLEEP ON THE FLOOR."

23. PLAINTIFF STATED: "I DON'T WANT ANY PROBLEMS OR CONFRONTATION."

24. PLAINTIFF THEN SAT DOWN AT THE DAY ROOM TABLE AND REQUESTED TO SEE A SERGEANT.

25. AS THE PLAINTIFF SAT AT THE DAY ROOM TABLE, NOT RESISTING. WITHOUT PROVOCATION, DEFENDANT CHAVEZ STARTED SPRAYING PLAINTIFF IN THE FACE WITH PEPPER SPRAY UNTIL HE EMPTIED HIS CANISTER.

26. DEFENDANT CHAVEZ THEN PICKED THE PLAINTIFF UP FROM THE TABLE AND SLAMMED HIM TO THE CONCRETE FLOOR FACE AND HEAD FIRST.

27. DEFENDANT CHAVEZ THEN PUT HIS FOOT/BOOT ON THE PLAINTIFF BACK WHERE THE PLAINTIFF COULD NOT MOVE OR BREATHE AND TOLD DEFENDANT SALAZER TO PEPPER SPRAY THE PLAINTIFF.

28. WHILE THE PLAINTIFF WAS LYING ON HIS STOMACH WITH DEFENDANT CHAVEZ FOOT/BOOT ON THE PLAINTIFF BACK ALREADY SUBDUED.

29. DEFENDANT SALAZER STARTED PEPPER-  
SPRAYING THE PLAINTIFF IN HIS MOUTH, NOSE, AND  
EYES.

30. PLAINTIFF YELLED OUT, "I CAN'T BREATHE AND  
ATTEMPTED TO AVERT DEFENDANT SALAZER PEPPER-  
SPRAY.

31. DEFENDANT CHAVEZ REMOVED HIS FOOT FROM  
THE PLAINTIFF BACK AND PRESSED HIS FOOT ON THE  
PLAINTIFF NECK TO HOLD HIS HEAD STILL SO DEFENDANT  
SALAZER COULD SPRAY PEPPER-SPRAY IN THE  
PLAINTIFF MOUTH, NOSE, AND EYES UNTIL THE CANISTER  
WAS EMPTY.

32. PLAINTIFF PLEADED WITH DEFENDANT CHAVEZ  
TO TAKE HIS FOOT OFF PLAINTIFF NECK, AFTER  
WHAT SEEM LIKE SEVERAL MINUTES DEFENDANT  
CHAVEZ FINALLY DID.

33. DEFENDANT CHAVEZ THEN HANDCUFFED THE  
PLAINTIFF BEHIND HIS BACK AND THEN ACTIVATED HIS  
PERSONAL ALARM DEVICE (P.A.D.).

34. DEFENDANT VALERO WAS THE FACILITY-C-BUILDING  
5 CONTROL OFFICER AND FAILED TO ACTIVATE HIS PERSONAL  
ALARM DEVICE (P.A.D.).

35. DEFENDANT VALERO FAILED TO INTERVENE AND  
FILED A FALSE-REPORT OF THE INCIDENT.

36. IN RESPONSE TO THE ALARM, SEVERAL CDCR  
OFFICERS RUSHED INTO THE BUILDING-5 AREA.

37. DEFENDANTS CHAVEZ AND SALAZER LEFT THE  
PLAINTIFF AND WENT AND "HUDDLED UP" IN THE

RETUNDA IN WHAT APPEARED TO BE A PRIVATE MEETING OUTSIDE OF THE PRESENCE OF THE PLAINTIFF AND PRISONERS ON INFORMATION AND BELIEF, THE OFFICERS PLANNED AND COORDINATED HOW THEY WOULD ATTACK THE PLAINTIFF.

38. THE OFFICERS THEN RE-ENTERED THE C-SECTION AREA FOLLOWING THEIR MEETING IN THE RETUNDA.

39. DEFENDANTS KYT AND LIRIO PICKED THE PLAINTIFF OFF THE CONCRETE FLOOR AND PROCEEDED TO ESCORT THE PLAINTIFF OUT OF BUILDING-5.

40. AS SOON AS DEFENDANTS KYT AND LIRIO ESCORTED THE PLAINTIFF OUT OF VIEW OF OTHER INMATES.

41. DEFENDANT KYT YELLED OUT "HE SEIT ON ME". DEFENDANTS KYT AND LIRIO, UNPROVOKED, STARTED PUNCHING THE PLAINTIFF IN THE HEAD, FACE, TORSO AREA.

42. DEFENDANT LIRIO LIFTED THE PLAINTIFF OFF THE GROUND AND VIOLENTLY SLAMMED HIM TO THE GROUND WHILE THE PLAINTIFF WAS STILL HAND-CUFFED BEHIND HIS BACK.

43. DEFENDANTS KYT AND LIRIO BEGAN KICKING THE PLAINTIFF ALL OVER HIS BODY, HEAD, AND FACE AS THE PLAINTIFF WAS DEFENSELESS, HAND-CUFFED, AND LYING ON THE GROUND.

44. DEFENDANTS RODRIGUEZ, CHARLES, AND FURLONG WAS PRESENT AND FAIL TO INTERVENE.

45. DEFENDANTS CHARLES AND RODRIGUEZ, CHARLES IS A SERGEANT AND CDCR SUPERVISORY EMPLOYEE, AND RODRIGUEZ IS A LIEUTENANT AND CDCR SUPERVISORY

EMPLOYEE AND DID NOTHING TO STOP THE BEATING.

46. AFTER WHAT SEEM LIKE AN ETERNITY OF GETTING BEAT, DEFENDANT SERGEANT CHARLES SAID, "OK THAT'S ENOUGH PUT THIS MASK OVER HIS HEAD AND ESCORT HIM TO THE PATIO."

47. DEFENDANTS RODRIGUEZ AND FURLONG WENT INTO THE GYM FROM THE "UPPER YARD".

48. WHEN THE PLAINTIFF ARRIVED ON THE PATIO, DEFENDANT CHARLES ALLOWED PLAINTIFF TO PUT WATER IN HIS EYES.

49. AFTER PLAINTIFF PUT WATER IN HIS EYES TWICE, PLAINTIFF LOOKED BACK AT THE "LOWER YARD" AND SAW DEFENDANTS RODRIGUEZ AND FURLONG WALKING TOWARD THE PATIO EAST.

50. DEFENDANTS RODRIGUEZ AND FURLONG CAME ON TO THE PATIO AND STOPPED TO TALK TO DEFENDANTS CHARLES, LIRIO, HUNTER, LOZA, GONZALEZ, AND CHAVEZ.

51. WHEN DEFENDANTS RODRIGUEZ, FURLONG, CHARLES, LIRIO, HUNTER, LOZA, GONZALEZ, AND CHAVEZ WERE DONE TALKING,

52. DEFENDANT CHARLES ASKED THE PLAINTIFF WAS HE DONE.

53. PLAINTIFF SAID, "YES."

54. DEFENDANT FURLONG GRABBED THE PLAINTIFF BY HIS RIGHT ARM AND ESCORTED THE PLAINTIFF TO THE PROGRAM OFFICE WITH ALL OTHER DEFENDANTS RODRIGUEZ, CHARLES, LIRIO, HUNTER, LOZA, AND

GONZALES FOLLOWING US.

55. WHEN THE PLAINTIFF ENTERED THE PROGRAM OFFICE, DEFENDANT FURLONG TOLD ALL THE OTHER OFFICERS, "I GOT HIM NOW."

56. DEFENDANT FURLONG BEGAN TO PUNCH PLAINTIFF IN THE BACK OF HIS HEAD.

57. THEN DEFENDANT FURLONG GRABBED THE PLAINTIFF BY HIS RIGHT ARM WITH ONE HAND AND THE OTHER HAND AROUND THE PLAINTIFF NECK.

58. DEFENDANT FURLONG SLAMMED THE PLAINTIFF INTO THE WALL, STILL WHILE HAND-CUFFED.

59. DEFENDANT FURLONG SLAMMED THE PLAINTIFF INTO THE WALL AGAIN SO HARD, IT BROUGHT CAPTAIN ACEBEDO OUT OF HIS OFFICE.

60. THEN DEFENDANT FURLONG SLAMMED THE PLAINTIFF INTO A STEEL WINDOW FRAME/SILL WHICH KNOCKED THE PLAINTIFF UNCONSCIOUS.

61. PLAINTIFF AWOKES LYING ON THE FLOOR ON HIS BACK WITH THE STEEL HAND-CUFFS DIGGING INTO HIS WRISTS AND BACK, CAUSING A GREAT DEAL OF PAIN.

62. DEFENDANT ACEBEDO IS A CAPTAIN AND CDOR SUPERVISORY EMPLOYEE, DID NOTHING TO STOP THIS ASSULT.

63. DEFENDANT FURLONG THEN PICKED THE PLAINTIFF OFF THE FLOOR AND ESCORTED HIM TO THE HOLDING CAGE.

64. DEFENDANTS RODRIGUEZ, CHARLES, LIRIO, HUNTER, LOZA, AND GONZALEZ ALL FAILED TO STOP THE ASSULT.

65. WHILE THE PLAINTIFF WAS IN THE HOLDING CAGE DEFENDANTS HUNTER AND GONZALES WALKED IN AND BEFORE



1 THEY COULD SAY ANYTHING TO THE PLAINTIFF.

2 66. DEFENDANT LOZA WALKED INTO THE ROOM AND MADE  
3 A WAVING MOTION WITH HIS HAND AS IF HE WERE SAYING NO  
4 DON'T TAKE ANY PHOTOS COME HERE GUYS.

5 67. DEFENDANT HUNTER LOOKED AT LOZA AND SAID, "WE  
6 GOT THIS." AS IF HE WERE SAYING TO LOZA THAT WE KNOW  
7 PLAN.

8 68. DEFENDANT LOZA GAVE HUNTER LOOK THAT MADE  
9 HUNTER REPEAT HIMSELF IN A LOUDER TONE, "WE GOT THIS."

10 69. THEN DEFENDANTS HUNTER, GONZALES, AND LOZA WALKED  
11 OUT OF THE ROOM.

12 70. DEFENDANTS HUNTER AND GONZALES RETURNED TO THE  
13 ROOM AND INSTRUCTED THE PLAINTIFF TO TURN AROUND AND  
14 FACE THE BACK OF THE HOLDING CELL.

15 71. PLAINTIFF COMPLIED BY FACING THE BACK OF THE HOLDING  
16 CELL.

17 72. A FEW SECONDS LATER PLAINTIFF HEARD THE DOOR OPEN,  
18 PLAINTIFF TURNED AROUND AND DEFENDANTS HUNTER AND  
19 GONZALES WERE WALKING OUT OF THE ROOM.

20 73. DEFENDANTS HUNTER AND GONZALES TOOK ONE  
21 PHOTO OF PLAINTIFF WHILE FACING THE BACK OF THE HOLDING  
22 CELL.

23 74. PLAINTIFF FOUND OUT LATER THAT DEFENDANTS HUNTER  
24 AND GONZALES SAID THAT THE PLAINTIFF REFUSED TO TAKE  
25 PHOTOS.

26 75. PLAINTIFF NEVER REFUSED TO TAKE PHOTOS OR REFUSED  
27 TO COOPERATE WITH THE DEFENDANTS.



76. ON INFORMATION AND BELIEF, INVOLVED PERSONEL, INCLUDING CHAVEZ, SALAZER, VALERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, CRUZ, AND ACEBEDO, EITHER DID NOT REPORT OR FALSELY REPORTED THE INCIDENT AND INJURIES RESULTING FROM THEIR CONDUCT, IN VIOLATION OF CAL. PEN. CODE SECTION 11B.1 (FALSE STATEMENTS IN CRIME REPORTS).

77. FOLLOWING THE INCIDENT, PLAINTIFF ROBERSON WERE FALSELY CHARGED WITH BATTERY ON A PRISON STAFF. PLAINTIFF ROBERSON WERE PUNISHED AS A RESULT OF THE CHARGES, INCLUDING BEING PLACED IN ADMINISTRATIVE SEGREGATION UNIT/"THE HOLE".

78. PLAINTIFF RECEIVED A RULE VIOLATION REPORT, LIS LOG # 6892519, WAS FOUND GUILTY BY HEARING OFFICER J. DSTRANDER, WAS ASSESSED 150 DAYS OF FORFEITURE OF CREDITS, AND WAS REFERRED TO CLASSIFICATION COMMITTEE FOR POSSIBLE SECURITY HOUSING UNIT TERM.

79. PLAINTIFF MADE A PERSONAL APPEARANCE BEFORE THE CLASSIFICATION COMMITTEE WHERE ASSOCIATE WARDEN S. SWAIN ADOPTED THE 150 DAYS LOSS OF CREDITS, AND ASSESSED THE PLAINTIFF A 18 MONTH SECURITY HOUSING UNIT TERM.

80. PLAINTIFF WAS ALSO REFERRED TO THE KERN COUNTY DISTRICT ATTORNEY OFFICE FOR PROSECUTION, CASE # DFO15280A.

81. PLAINTIFF WAS FALSELY ACCUSED AND CHARGED WITH COUNT #1 BATTERY ON STAFF (GASSING) BY SPITTING ON OFFICER KYT, AND COUNT #2 WAS BATTERY ON OFFICER KYT BY TOUCHING HIM.

82. PLAINTIFF WENT TO A JURY TRIAL IN KERN COUNTY SUPERIOR COURT DEPARTMENT #3, CASE # DFO15280A.

83. PLAINTIFF WAS FOUND "NOT GUILTY" ON COUNT #1 BATTERY AND COUNT #2 BATTERY ON OFFICER KYT.

84. DEFENDANTS CHAVEZ, SALAZER, VELERO, KYT, LIRIO, CHARLES, LOZA, RODRIGUEZ, FURLONG, HUNTER, GONZALES, CRUZ, AND ACEBEDO'S ACTIONS AND INACTIONS WERE UNLAWFUL, INCLUDING VIOLATIONS OF CAL. PEN. CODE SECTIONS 147 (INHUMANITY TO PRISONERS) AND NUMEROUS ASSULTS BY OFFICERS UNDER COLOR OF AUTHORITY).

85. PLAINTIFF WAS RETALIATED AGAINST DUE TO A PRIOR EXCESSIVE FORCE CLAIM THAT HAPPEN ON MARCH 5, 2019, FIVE MONTHS EARLIER.

86. PLAINTIFF WAS NOT TAKING TO THE TRIAGE TREATMENT AREA (TTA) NOR TAKEN TO AN OFF-SITE HOSPITAL FOR FURTHER EVALUATION IMMEDIATELY AFTER THE INCIDENT DUE TO AN ATTEMPT TO SUPPRESS COMPLAINTS OF EXCESSIVE AND UNREASONABLE FORCE AGAINST THE PLAINTIFF FOR THE SECOND TIME.

87. THE CDCR/KVSB GRIEVANCE PROCEDURE IS ILLUSORY AND KAFKAESQUE. PLAINTIFF ATTEMPTS TO SUBMIT CDCR FORM 602 APPEAL/GRIEVANCE RELATED TO THE AUGUST 16, 2019, INCIDENT HAVE BEEN THWARTED AND OBSTRUCTED BY NUMEROUS AND MERITLESS CANCELLATIONS, REJECTIONS, AND/OR JUST DISAPPEARING BY CDCR/KVSB PERSONEL THAT HAVE REFUSED TO PROPERLY PROCESS THE 602 APPEAL OR GRIEVANCES. TO DATE, PLAINTIFF WAS ONLY ABLE TO GET ONE 602 APPEAL/GRIEVANCE PROCESSED, ALL OTHER EFFORTS TO "EXHAUST" WERE UNSUCCESSFUL.

88. ON INFORMATION AND BELIEF, UNLESS DEFENDANT PFEIFFER IS DIRECTED AND MANDATED TO TAKE ACTION AGAINST THESE CORRUPTED OFFICERS AND OTHERS THEREOF, SAID ILLEGAL CRIMINAL ORGANIZATION WILL CONTINUE TO TERRORIZE THE PRISONERS HERE AT KVSB AND

1 CAUSE FURTHER DAMAGE AND POSSIBLE DEATH TO INMATES AT THE  
 2 PRISON. UNLESS THESE CORRUPTED OFFICERS ENJOINED FROM  
 3 CONTINUING ITS ILLEGAL ACTS, INCLUDING SMUGGLING OF  
 4 CONTRABAND INTO THE KYSE AND ARRANGING ASSULTS AND "HITS"  
 5 BY PRISONERS AGAINST OTHER PRISONERS SUCH ~~AS~~ ILLEGAL ACTIVITIES  
 6 WILL CONTINUE WITH ATTENDANT HARM TO PLAINTIFF ROBERSON.  
 7 IF NOT TRANSFERRED TO ANOTHER PRISON (270 DESIGN DUE TO  
 8 PLAINTIFF MEETS THE CRITERIA).

### 9 10 PRAYER FOR RELIEF

11 WHEREFORE, PLAINTIFF ROBERSON SEEKS JUDGMENT AS  
 12 FOLLOWS:

13 1. FOR AN AWARD OF COMPENSATORY, GENERAL, AND SPECIAL  
 14 DAMAGES AGAINST DEFENDANTS CDCR, CHAVEZ, SALAZAR, VALERO,  
 15 KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ,  
 16 CRUZ, ACEBEDO, ACCORDING TO PROOF AT TRIAL;

17 2. FOR AN AWARD OF EXEMPLARY/PUNITIVE DAMAGES UNDER  
 18 FEDERAL LAW AGAINST DEFENDANTS CDCR, CHAVEZ, SALAZAR, VALERO,  
 19 KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG, HUNTER, GONZALEZ,  
 20 CRUZ, ACEBEDO, IN AN AMOUNT SUFFICIENT TO DETER AND TO MAKE  
 21 AN EXAMPLE OF THEM, BECAUSE THEIR ACTIONS AND/OR INACTIONS,  
 22 AS ALLEGED, WERE MOTIVATED BY EVIL MOTIVE INTENT, INVOLVED  
 23 RECKLESS OR CALLOUS INDIFFERENCE TO THE FEDERALLY PROTECTED  
 24 RIGHTS OF THE PLAINTIFF ROBERSON, OR WERE WANTONLY OR  
 25 OPPRESSIVELY DONE, AND UNDER STATE LAW AGAINST CHAVEZ,  
 26 SALAZAR, VALERO, KYT, LIRIO, LOZA, CHARLES, RODRIGUEZ, FURLONG,  
 27 HUNTER, GONZALEZ, CRUZ, AND ACEBEDO BECAUSE THEIR ACTIONS  
 28 AND/OR INACTIONS, AS ALLEGED, CONSTITUTED OPPRESSION, FRAUD,

OR MALICE RESULTING IN GREAT HARM TO THE PLAINTIFF ROBERSON.

3. FOR AN AWARD OF ANY OTHER FURTHER RELIEF, AS THE COURT DEEMS FAIR, JUST, AND EQUITABLE;

4. FOR PROSPECTIVE DECLARATORY AND INJUNCTIVE RELIEF AGAINST DEFENDANT PFEFFER, TO ENJOIN ONGOING AND CONTINUOUS VIOLATIONS OF RIGHTS;

5. FOR AN AWARD OF STATUTORY PENALTIES, PURSUANT TO CAL. CIV. CODE SECTION 52.1, AND ANY OTHER STATUTE AS MAY BE APPLICABLE.

#### VERIFICATION

I MORRIS ROBERSON, DECLARE THE FOLLOWING/FORGOING COMPLAINT TO BE TRUE AND CORRECT FACTS AND ALLEGATIONS UNDER PENALTY OF PERJURY.

EXECUTED ON: 7/2/22

EXECUTED BY: MORRIS ROBERSON AT KERN VALLEY STATE PRISON.

Morris Roberson  
MORRIS C. ROBERSON

**PROOF OF SERVICE BY MAIL**

**BY PERSON IN STATE CUSTODY**

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, MORRIS ROBERSON, declare:

I am over 18 years of age and a party to this action. I am a resident of \_\_\_\_\_

KERN VALLEY STATE Prison,

in the county of KERN,

State of California. My prison address is: P.O. Box 5103, DELANO,  
CALIFORNIA 93216.

On July 2, 2022,  
(DATE)

I served the attached: 42 U.S.C. §1983 COMPLAINT

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional

institution in which I am presently confined. The envelope was addressed as follows:

MORRIS ROBERSON  
#C-83614/C2/224  
P.O. Box 5103  
DELANO, CALIF. 93216

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
2500 TULARE STREET ROOM 1501  
U.S. COURT HOUSE BUILDING  
FRESNO, CALIFORNIA 93721-2201

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 7/2/22  
(DATE)

Morris Roberson  
(DECLARANT'S SIGNATURE)